IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 21071 of 2004

Between:

Naru Srinivas Ramesh, S/o. Sankaraiah, Occ: Agriculture
R/o. Kattuvapalli Village, Manubolu Mandal,
Nellore District.

..... PETITIONER

AND

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Gudur, Nellore District.
3 The Mandal Revenue Officer, Manubolu Village & Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to pass a Writ, order or direction, one in the nature of Writ of Mandamus, declaring the action of the Respondents in evicting the petitioner from the land admeasuring Ac.2.27 cents in Sy.No. 232/1-1 and Ac. 2.48 cents in Sy.No. 232/2-2, Situated in Kattuvapalli Village, Manubolu Mandal, Nellore District without giving any opportunity and without conducting any enquiry and consequently direct the Respondents not to take any action in evicting the petitioner from the subject matter of land, admeasuring Ac.2.27 cents in Sy.No. 232 /1-1 and Ac. 2.48 cents in Sy.No. 232 / 2-2 situated in Kattuvapalli Village Manubolu Mandal, Nellore District without following procedure contemplated under the Law.

Counsel for the Petitioner:MR.G.TUHIN KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER

The writ petition is filed apprehending that the respondents, without issuing any notice and following the due procedure contemplated under law, will evict the petitioner from the lands, which were assigned in his favour in the year 1981.

It cannot be presumed that the respondents will evict the petitioner from the lands in question without following the due procedure prescribed under law. The respondents only after issuing notice specifying the violations made by the petitioner, if any, and after cancelling the assignment made in his favour, will evict the petitioner and take possession of the lands, but not otherwise. If any such notice is issued, it is always open for the petitioner to submit his explanation raising all the pleas now raised in the writ petition. The writ petition, which is filed on mere apprehension, cannot be entertained.

With the above observations, the writ petition is dismissed. No costs.

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A. GOPAL REDDY. J.

18th November, 2004

tsr.

To

1 The District Collector, Nellore, Nellore District.
2 The Revenue Divisional Officer, Gudur, Nellore District.
3 The Mandal Revenue Officer, Manubolu Village & Mandal, Nellore District.

4. Two C.C.s to Government Pleader for Revenue, High Court Buildings, Hyderabad.(OUT)

5. Two C.D. copies.